

## NATIONAL SECURITY AGENCY FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 101619B

1:18-cv-01129 5 JULY 2019

ALEX ABDO KNIGHT FIRST AMENDMENT INSTITUTE COLUMBIA UNIVERSITY 314 LOW LIBRARY 535 WEST 116<sup>TH</sup> STREET NEW YORK, NY 10027

Dear Mr, Abdo:

This is a final response to your Freedom of Information Act (FOIA) request of 9 May 2017 for

- 1. "All correspondence between the government and any of the individuals listed...relating to the prepublication review or publication of material intended to be or actually published in their personal capacities;
- 2. All inter- and intra-agency correspondence relating to the prepublication review or publication of material by any of the individuals listed below that was intended to be or actually was published by any of those individuals in their personal capacities;
- 3. All records reflecting decisions-interim, final, and after appeal-related to the prepublication review of material published by any of the individuals listed below in their personal capacities.

A copy of your request is enclosed. Your request has been processed under the FOIA and a final determination has been made for the remaining prepublication cases. In this instance, six documents (19 pages) are being provided and 37 documents (358 pages) have been denied in full.

Some of the withheld information has been found to be currently and properly classified in accordance with Executive Order 13526. The information meets the criteria for classification as set forth in Subparagraph (c) of Section 1.4 and remains classified TOP SECRET or SECRET as provided in Section 1.2 of Executive Order 13526. The information is classified because its disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Because the information is currently and properly classified, it is exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

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In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. We have determined that such information exists in these documents Accordingly, those portions are exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statutes applicable in this case Title 50 U.S. Code 3024(i); and Section 6, Public Law 86-36 (50 U.S. Code 3605).

In addition, some of the information has been deleted from the enclosures pursuant to the fifth exemption of the FOIA (b(5)). This exemption applies to inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency, protecting information that is normally privileged in the civil discovery context, such as information that is part of a predecisional deliberative process, attorney-client privileged information or attorney-client work product.

In addition, information regarding other individuals has been deleted from the enclosures in accordance with 5 U.S.C. 552 (b)(6). This exemption protects from disclosure information which would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

The Office of the Director of National Intelligence has asked that we protect information pursuant to (b)(3) statute 50 U.S.C. Section 3024(m).

The Central Intelligence Agency has asked that we protect information pursuant to 5 U.S.C. 552 (b)(1), (b)(3) statutes:

Section 6 of the Central Intelligence Act of 1949, 50 U.S.C. Section 3507, Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C. 3024(i)(1)

as well as b(5) and b(6).

Sincerely,

JOHN R. CHAPMAN Chief, FOIA/PA Office NSA Initial Denial Authority

Encls: a/s

(b)(: 	3)-50 USC 3024 ional Security Act of 7 Section 102A(i)(1 A
NSA Colleagues- Please review this manuscript by former director Michael V. Hayden entitled "Playing to the Edge according to NSA standards by COB Monday (August 3, 2015). Apologies for the short turnaround manuscript will also be sent to DoD/DIA. Please note that you will be getting a copy of Chapters I pull out the compartmented information that can't be sent via JWICS. Feel free to contact me if yo questions or concerns.  (b)(3)	l. This 0-21 once we
(b)(6)  Thank you, OGA C1A	
From the author:  My publisher wanted a foreword for the book to clue in readers where it is heading. I Just over 1000 words. Pretty straightforward. (b)(3)  MVH (b)(6)  OGA  CIA	Here you go.
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Classification: SECRET//NOFORN

Classified By: 154846

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: 20400801

Classification: SECRET//NOFORN

To:	
Cc.Doc ID: Sherman David J Dr NSA-DJ USA CIVI Matecko-Conti Tammie M NSA	
From:   Matecko-Conti Tammie W NSA	
Sent: 2014-05-19T19:11:59Z	••
Subject: RE: (U) NSA Pre-pub review - Gen. Hayden's book outline	
smime.p7s	•
Classification: UNCLASSIFIED <del>//FOR-OFFICIAL USE ONLY</del>	
Good Day (b)(3)-P	.L. 86-36
	. : Tarrata a di Vi
(U) Thank you for forwarding eedback re the subject submission "Martyscript by Hayden," PP-14-0443. DJ2 will provide NSA's response to the CIA's Publication Review Board.	-wichae, v.
rayacti, 11 -14-0445, buz wiii provide igunta teaponae to tite ointa i dibileation teaponae.	;
Regards,	
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(U/ <del>/FOUO)</del>	:
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From: Sent: Monday. May 19. 2014 11:23 AM	
To:	
Cc: Sherman David J Dr NSA-ĐJ USA CIV;	<b>∫</b> ::
Subject: FW: (U) NSA Pre-pub review - Gen. Hayden's book outline.	
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(d) (1) - as promised at riiday's session where we discussed this phe-pub.	
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From:	• ;
Sent: Monday, May 19, 2014 11:17 AM	•
To Cc: Sherman David J Dr NSA-DJ USA CIV;	i
CC: SHEITHAIL DAVIG J DE NOA-DJ CJA CJA,	
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Subject: (U) NSA Pre-pub review - Gen. Hayden's book outline	
Classification: UNCLASSIFIED/#FOR OFFICIAL USE ONLY	

NSA FOIA Case 101619 0004

morning by phone, along with NSA attorney  to address SIGINT classification concerns, and Gen. Hayden's  (U//FOUO) He explained that the current draft is really a set	Ve requested several deletions or text changes in chapters 2, 4, 5, and 6 agreed to all of them.  of chapter synopses that, once it receives clearance through the pre- ; the full-length version of the book, once written, will go through the
pre-pub process again and we may need to have some more morning at that time.	in-depth discussions surrounding the portions we discussed this (b)(3)-P.L. 86-36
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Classification: UNCLASSIFIED#FOR OFFICIAL-USE ONLY

To: From: 6672549	
From: 6672549 Sent: 2014-05-12T18:14:33Z Subject: FW: (U#FOUO) RESPONSE: Hayden Book Partial Draft Received for Classification Review - NCR CIA smime.p7s	
Classification: SECRET//NOFORN	
Paul, (b)(3)-P.L. 86-36	
(U) Please note the request from NCR CIA, below.	
Cheers	
(U/ <del>/FOUO</del> )	
(U// <del>FOUC)</del>	
From: Sent: Monday, May 12, 2014 2:06 PM To: Cc: Matecko-Conti Tammie M NSA-DJ2 USA CIV Subject: FW: (U//FOUO) RESPONSE: Hayden Book Partial Draft Received for Classification Review	
Classification: SECRET//NOFORN	
(U/ <del>/FOUO)</del> Please note request from below. I responded to him that we would include him on response to CIA as requested. Makes sense to me.	
v/r,	
Approved for Release FOINS asen 076700000019, FOIA Case # 101619 (Litigation	n)

From:

Sent: Monday, May 12, 2014 1:29 PM  To poc ID: 6672549  Cc: Sherman David J Dr NSA-DJ USA CIV  Subject: RE: (U/FOUO) RESPONSE: Hayden Book Partial Draft Received for Classification Review
Classification: SECRET//NOFORN
(b)(3)-P.L. 86-36  When you provide CIA NSA's comments can you please cc me for situational awareness as well. Thanks
From: Sent: Monday, May 12, 2014 1:26 PM To: Rogers Michael S ADM NSA-D USA USN; Ledgett Richard H Jr NSA-D USA CIV; Fleisch Frances J NSA-D USA CIV Cc:
Sherman David J Dr NSA-
A Line Waller Charles De la Ch
Subject: (U//FOUO) RESPONSE: Hayden Book Partial Draft Received for Classification Review  Classification: SECRET//NOFORM
Classification: SECRET//NOFORM
Classification: SEGRET//NOFORM  Sir,  (U//FGUO) Our Pre-Pub Review staff has completed a preliminary review of the draft identifying information that is classified. We continue to work with key stakeholders (SID, TD, OGC, Security) with the goal of providing a
Classification: SECRET//NOFORM  Sir,  (U//FOUO) Our Pre-Pub Review staff has completed a preliminary review of the draft identifying information that is classified. We continue to work with key stakeholders (SID, TD, OGC, Security) with the goal of providing a comprehensive response to CIA by the end of the week.  (U//FOUO) While we have had to juggle resources to meet a few unanticipated actions with short suspenses, we are not

	<b></b>
Doc ID: 6672549	
	(b)(3)-P.L. 86-36
From: Rogers Michael S ADM NSA-D USA USN Sent: Sunday, May 11, 2014 5:13 PM To: Sherman David J Dr NSA-DJ USA CIV; Ledgett Richard FCc:	H Jr NSA-D USA CIV; Fleisch Frances J NSA-D USA CIV
CCI	
Subject: RE: (U/#F000) Hayden Book Partial Draft Received	ed for Classification Review
Classification: SECRET//NOFORN	
Where are we on this review?	
/r,	<i>:</i>
MSR	<u>:</u>
ADM Michael S. Rogers, USN	•
Commander, U.S. Cyber Command	: :
Director, NSA / Chief, CSS	· ·
FT George G. Meade, MD	; •
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From: Sherman David J Dr NSA-DJ USA CIV Sent: Monday, April 28, 2014 1:45 PM Tay Regard Michael S ADM NISA D 115A LISAY Ladgett Bishar	ed H. Tr. NICA D. LICA CTV/: Eloiceth Eraneac T. NICA D. LICA CTV/
To: Rogers Michael S ADM NSA-D USA USN; Ledgett Richar	Id H JF NSA-D OSA CIV, Fleisch Flances J NSA-D OSA CIV

NSA-S02 USA CIV
Subject: (U//FOUO) Hayden Book Partial Draft Received for the state of the state

DocID: 6672549 Classified By: 257932 Derived From: NSA/CSSM 1-52 dated 2	20070108	
Declassify On: 20320108	<b></b>	(b)(1)
ADM Rogers, Mr. Ledgett, Ms. Fleisch:	(b)(3)-P.L. 86-3	(b)(3)-50 USC 3024(i) (b)(3)-P.L. 86-36 (b)(5)
(U/ <del>FOU0</del> ) We have received from CIA and for cla General Hayden is writing on his tenure at NSA, O	•	ft of several chapters for a book
(U//FOUO) would characterize this draft as consisee in a final version. A prospective author producontract and advance. General Hayden indicated review of materials he proposes for publication, the	ices these for their agent to use to CIA, which as his last employ	e in nagotiations with a publisher on a ver is responsible for leading USG prior
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stakeholders (TD and Security being two others we (U//FOUO) Our response is due at CIA on 16 May only rise to your attention if there is an unexpected outcome.  Dave  David J. Sherman	Per standard procedure, it wil	l be handled at the working levels and
Associate Director for Policy and Records		
National Security Agency		•
Room 2A0858		
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		Classified By
		Derived From: NSA/CSSM 1-52

Classification: SECRET//NOFORN

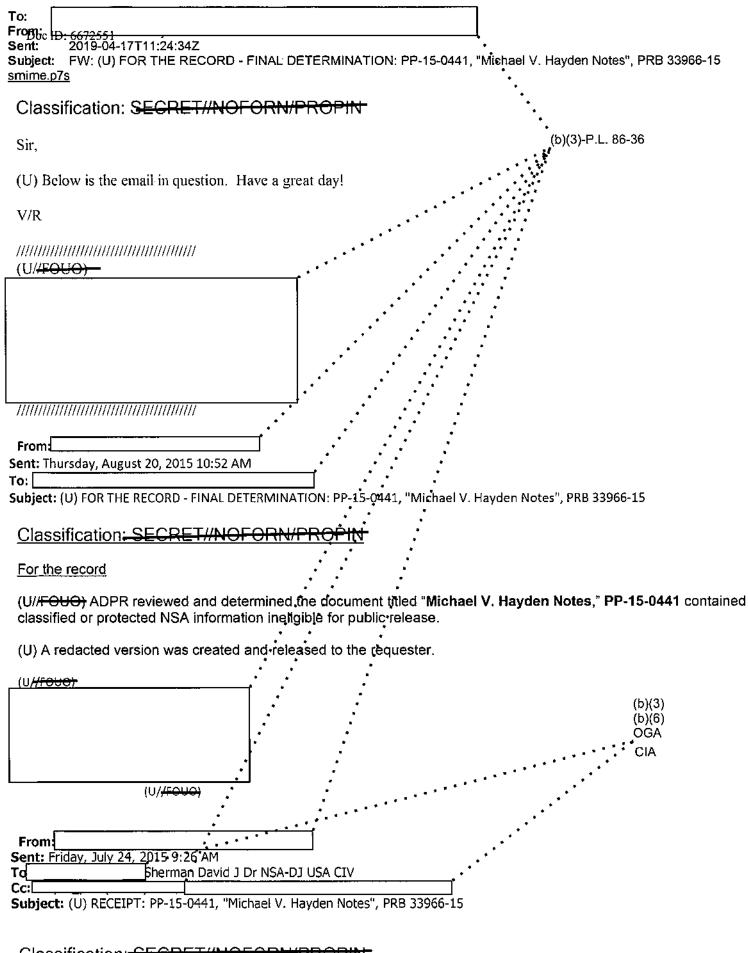
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	Dated: 20130930
	Declassify On: 20390501
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with MBAGSS Policy 1-30.	nayden Notes, for a prepublication revie	w to be conducted in accordance
(U) DJ2 acknowledges your requested su	spense of 7/24/2015.	
(U) All correspondence should reference	case number PP-15-0441.	
(U/ <del>/FOUO)</del> If you require further clarificat	on or assistance please contact	
V/R	(b)(3)-P.L. 86-36	3
(U/ <del>/F0U0)</del>	┦	
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From		
Sent: Thursday, July 23, 2015 4:25 PM To: Sherman David J Dr NSA-D1-USA CIV		
Cc: Subject: PRIORITY CIA REFERRAL: Prepublica	ation Review of Manuscrint by Michael V. Havd	en (PRB 33966-15) DHE DATE: 24 JULY
2015 Importance: High		***************************************
		(b)(3) (b)(6)
Classification: CECRET//NOFO		OGA
	1 :	CIA
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Mr. Sherman/NSA Pre-Publication,		
Please review the attached notes by General	Michael V. Hayden according to NSA standard let me know if you have any questions or conc	ds by COB Friday, 24 July 2015.
	ř	Security Act of 1947 Section 102A(i)(1)
Thank.you, * • PRB Staff	OGA CIA	•
		(h)/3)
	NO A FOLL COMPRESSIONAL STATE OF THE STATE O	(b)(3) OGA CIA
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(b)(3)Doc ID: 6672551 CIA

Classification:

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(b)(3)-50 USC 3024 National Security Act of 1947 Section 102A(i)(1)

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. Dated: 20070108 Declassify On: 20400701

Classification: SECRET//NOFORN/PROPIN

(b)(3)-P.L. 86-36

Classified By: 154846

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: 20400801

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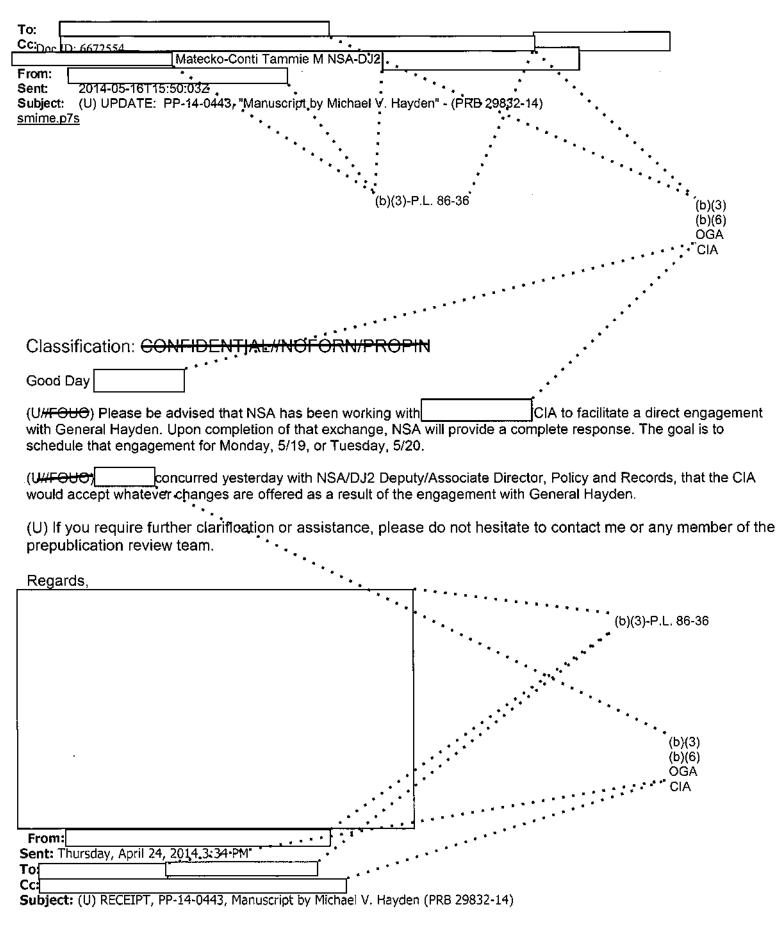
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Derived From: NSA/CSSM 1-52

Dated: 20180110

Declassify On: 20440491

Classification: SECRET//NOFORN/PROPIN



Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

(U) Thank you for submitting "Manuscript by your thigeater in safeguarding national securit 25 business days to complete our review, but to meet your deadline of 5/16/2014. Please of PP-14-0443.	ty information. NSA/CSS f we will endeavor to proce	Policy 1-30 aless your reque	llows DJ2 a maximum of est as quickly as possibl	f
(U) If you require further clarification or assista prepublication review team.	ance, please do not hesita	ate to contact	me or any member of th	те
V/R				
		(b)(3)-F	⊃.L. 86-36	
	OG.	(6) 3A		
From: Sent: Thursday, April 24, 2014 3:01 PM To:	CI/	A 	(b)(3) OGA CIA	
Cc: Subject: CIA REFERRAL: Prepublication Review of Nonc	official Manuscript by Michael V	/. Hayden (PRB	29832-14) DUE 16 May 2014	ł
Classification: CONFIDENTIAL	(b)(3) (b)(3)-50 USC 3024 Nati Act of 1947 Section 102/ OGA	A(i)(1)	(b)(3)-50 USC 3024 National Security Act of 1947 Section 102A(i)(1) OGA CIA	
NSA colleagues –	•••			:
Please review the attached for classified.	···			:
Please reply by copying	to include the F	Publications Rev	view Board on your response	. '
Thank you.				
From the author:			•	_
NS NS	6A FOLA Case 101619 0015	-	(b)(5)	<b>,</b>
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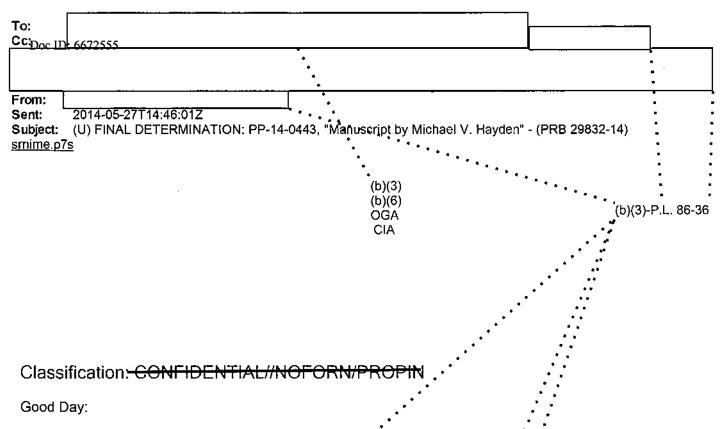
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Classification: UNCLASSIFIED/#FOR OFFICIAL USE ONLY

Classified By: 248535 Derived From: NSA/CSSM 1-52 Dated: 20070108

Declassify On: 20390501

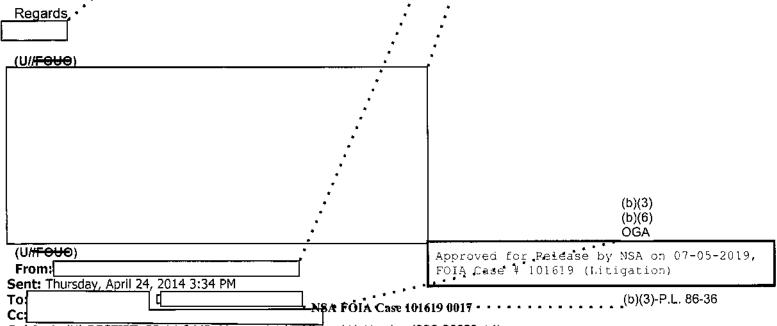
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(U//<del>FQUO</del>) DJ2 has reviewed and determined the document titled, "Manuscript by Michael V. Hayden," PP-14-0443 requires no further action based on the direct engagement and discussion between the NSA representatives and General Hayden. NSA's SIGINT classification concerns were addressed for either deletion of text changes and General Hayden agreed to all of them.

- (U) This assessment is for the *exact* information submitted. Any charges will require a new prepublication review, except for the following:
  - removing information
  - reformatting
  - making spelling, syntax or other grammatical changes

(U) If you require further clarification or assistance, please do not hesitate to contact me or any member of the prepublication review team.



Subject: (U) RECEIPT, PP-14-0443, Manuscript by Michael V. Hayden (PRB 29832-14)

## Classification: UNCLASSIFIED#FOR-OFFICIAL USE ONLY

## Good Day:

...

- (U) Thank you for submitting "Manuscript by Michael V. Hayden" for prepublication review. We appreciate your diligence in safeguarding national security information. NSA/CSS Policy 1-30 allows DJ2 a maximum of 25 business days to complete our review, but we will endeavor to process your request as quickly as possible to meet your deadline of 5/16/2014. Please direct any questions to this office and reference case number PP-14-0443.
- (U) If you require further clarification or assistance, please do not hesitate to contact me or any member of the prepublication review team.

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From: Sent: Toursday, Abril 24, 2014 3301 PM		OGA	,	
To		CIA		
Cc: prb				
Subject: CIA REFERRAL: Prepublication Review				2014
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NSA colleagues –		(b)(3) OGA	OGA	
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Please reply by copying		clude the Publications Review	Board on vour rose	once
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Thank you.			<u>.                                    </u>	
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From the author:	NSA FOIA Case 101619	9 0018		•
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Classified By: 248535 Derived From: NSA/CSSM 1-52 Dated: 29070108 Declassify On: 20390501

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